

**DELAWARE WATER GAP NATIONAL RECREATION AREA
CITIZEN ADVISORY COMMISSION
PO BOX 284
Bushkill PA 18324**

Minutes of the November 19, 2005 Meeting

A meeting of the Delaware Water Gap National Recreation Area Citizen Advisory Commission was held on Saturday, November 19, 2005, at the Delaware Township Municipal Building, Dingmans Ferry, Pennsylvania. This meeting was properly posted in the Federal Register, as required by the Federal Advisory Committee Act (PL 92-463, Section 10(a)(2)). Chairman Kresge called the meeting to order at 9:00 a.m., beginning with the Pledge of Allegiance to the Flag of the United States of America.

Roll Call

Citizen Advisory Commission members in attendance were Mr. Gross, Mr. Hanley, Mr. Kresge, Mr. Price, and Mr. Van Campen. Park staff in attendance were Deputy Superintendent Nelson, Superintendent's Secretary Nelson, Management Assistant Halainen, Chief of Research and Resources Planning Lynch, Chief of Maintenance Provenzano, Chief of Resource Protection and Visitor Management Selleck, Chief of Administration Wilbur, and Chief of Visitor Services and Cultural Resources Wright. Members of the public who signed the attendance list included Jan McDowell, Bill Mineo, Gail Wershing, and Janina Wycalek.

A question was raised about when the first official meeting for the new members takes place, and if there is a quorum. Deputy Superintendent Nelson reported that all of the duly appointed members could sit on the board today, with the exception of Ms. McDowell, and should be in the roll call. There is a quorum as Ms. McDowell is not officially on the board, leaving nine members with five present.

Minutes

The minutes of the May 5, 2005, Commission meeting were unanimously approved.

Correspondence

The list of letters received or sent since the last meeting was reviewed. This correspondence will be made part of the official record. Those wishing to review the correspondence may do so at park headquarters in Bushkill, Pennsylvania, or at the library repositories for the Commission.

1. Letter dated September 15, 2005, to the Superintendent from Mr. Pinchot concerning pressure to develop Pike County.
2. Memorandum dated September 15, 2005, to Chair Kresge from Vice-Chair Gross concerning Sandyston Township land.
3. Press release dated September 29, 2005, titled "River Road Closure".
4. Press release dated October 3, 2005, titled "Suspension of Route 209 Commercial Vehicle Fee Collection".
5. Letter dated October 3, 2005, to the Lehman Township Board of Supervisors from Superintendent Donahue regarding progress on Route 209 rehabilitation and asking them to respond to the Commission's letters concerning a proposed road through public lands in the township.

6. Memorandum dated October 6, 2005, to the Superintendent from Vice-Chair Gross concerning pheasant releases and park visitor centers.
7. Letters received October 7, 2005, to the Superintendent and Commissioners from Mr. Homyak concerning the New Jersey black bear population and hunting. A reply from the park is attached.
8. Press release dated October 7, 2005, titled "Raymondskill Falls Reopened Following Removal of Hazardous Trees".
9. Electronic correspondence dated October 9, 2005, to the Commission from Ms. Batko advising that she has still received no answer to her January 13, 2005, correspondence regarding the status of a nomination to the Neldon-Hornbeck site's National Register of Historic Placed. Follow-up correspondence from Ms. Batko is attached.
10. Memorandum dated October 12, 2005, to the Northeast Region Ethics Officer from Superintendent Donahue concerning a question on cell tower ethics raised by Mr. Hoffman at a previous Commission meeting. A reply from the Washington Office Ethics Officer is included.
11. Press release dated November 9, 2005, titled "Delaware Water Gap NRA Citizen Advisory Commission Meeting". A copy of the draft agenda is attached.
12. Letter dated October 11, 2005, to Vice-Chair Gross from the Delaware River Basin Commission in response to his July 1, 2005, letter concerning the proposed Mosiers Knob Development.
13. Letters dated October 18, 2005 to Mr. Gross, Mr. Hanley, Mr. Kresge, Ms. Bertucci-Turner, Ms. Maxaner, Mr. Heller, Mr. Murray, and Ms. McDowell, from the Secretary of the Interior appointing them to the Commission.
14. Letter dated October 27, 2005 to Mr. Hoffman from Chair Kresge regarding his concerns about a suspected omission in the May and September Commission minutes.
15. Letter dated October 26, 2005, to the PA Department of Conservation of Natural Resources from Chair Kresge concerning Lehman Township Supervisors' plan to acquire a road jointly owned by the Commonwealth of Pennsylvania and the Lehman Hunting and Fishing Club.
16. Letter dated October 26, 2005, to the Montague Township Clerk from Superintendent Donahue asking to hold the January 19, 2006, Commission meeting in their municipal building.
17. Memorandum dated October 26, 2005, to Chair Kresge from Vice-Chair Gross concerning the Westfall Water Treatment Facility.
18. Press release dated November 1, 2005, titled "Commercial Traffic Restricted on Route 209 Effective November 1st".
19. Press release dated November 10, 2005, titled "Delaware Water Gap Demonstration Site Making a Dent in Invasive Exotic Species".
20. Letters dated November 11, 2005, to Chair Kresge from Mr. Hoffman concerning omissions of a discussion at the March 2005 Commission minutes.
21. Letters dated November 16, 2005, to new Commission members from the Superintendent, welcoming them to the Commission.
22. Memorandum dated November 16, 2005, to Chair Kresge from Vice-Chair Gross regarding wildlife management in the recreation area.
23. Memorandum dated November 16, 2005, to Chair Kresge from Vice-Chair Gross regarding accessibility for hunting in the recreation area.

24. *New Jersey Herald* article dated November 16, 2005, titled "State OKs Bear Hunt".
25. *Pocono Record* article dated November 16, 2005, titled "House OKs Trucks in Park".
26. *Pocono Record* article dated November 16, 2005, titled "Conservation Campaign Launched to Preserve PA's Kittatinny Ridge".

Mr. Hanley asked if the letter from Mrs. Batko had been answered yet. The response was no, but a response is being prepared.

Mr. Van Campen asked if all new Commission members received the same letters (correspondence item #13). Discussion centered on a paragraph in the letters to the new representatives (only) of the Secretary of the Department of the Interior requiring them to file financial disclosures before taking a seat on the Commission. Questions arose about why only these two members were singled out, why they are considered Special Government Employees when in the past all members were and are representatives only, whether all members are entitled to be represented by the Department of Justice when needed, why they are being required to file financial disclosures, which also was not done in the past, and who made this decision. Mr. Van Campen stated that as far as he knows, they all have equal responsibilities and equal representation on the board. He recommends that all questions be answered before the new members submit their disclosures. The Deputy Superintendent replied that park Management was not aware of these new requirements until receiving these letters and that he would look into it and provide an answer by the January meeting.

Mr. Gross asked if there was an answer to the letter the Superintendent sent to Lehman Township (correspondence item #5). The reply was no, nor was there an answer to the two letters the Commission sent previously. Mr. Hanley stated that their non-response is a definite answer and the Commission should proceed based upon that.

Mr. Van Campen referenced the previous discussion and asked why new appointees were not asked to sit at the table. The response was that the new members were invited but could not attend. Ms. McDowell, by virtue of her appointment letter, cannot sit on the Commission until she submits her financial disclosure; Ms. Maxaner did submit the disclosure but was not able to make today's meeting. Mr. Van Campen strongly objected to the requirement for Ms. McDowell and Ms. Maxaner to file financial disclosures. He stated that Ms. McDowell is entitled to sit on the Commission today without having to do that. He will put forth a motion that Ms. McDowell be allowed to become an active member of the Commission because she was duly appointed. Hers is not a conditional appointment. This has never happened before and should not be happening now. The legislation is quite clear and there are no known changes. All members of the Commission are appointees of the Department of the Interior and none of them had to file a financial disclosure or any statement.

Chairman's Report

A response to Mrs. Batko's letter (correspondence item #9) is being prepared by the park. The Chief of Visitor Services and Cultural Resources reported that Mrs. Batko's letter is correct. The State of New Jersey listed the Neldon-Hornbeck property in 1999. The nomination was supposed to be forwarded by the state to the National Register of Historic Places in Washington, but the National Park Service Northeast Regional Office was preparing a cultural landscape report and

asked the state to send its material to them for that report. The cultural landscape report was completed and has to be sent to the state for concurrence, then the whole package can go to the National Register.

Mrs. Batko's letter also says a large number of historic properties continue to remain vacant, and there have been no attempts to get them filled under historic leasing this year. Preservation New Jersey has always been willing to assist the park service and she asks why they have not been utilized by the park. A response to Mrs. Batko is being prepared by the park for the Chair's signature.

Mr. Van Campen stated that he does not understand why Mrs. Batko's letter was not answered and is disappointed it has not been. With respect to the issue she raises, there has been a lot of discussion with regard to this subject. He had asked for a status report on historic structures and is not sure that has been received. The Commission had requested a member of the Washington staff visit and familiarize them with the new criteria historic leasing in an effort to reduce the time and expense involved in this program and to preserve the structures. It is his understanding that the Superintendent agreed to do this. It is in the common interest to get people into these facilities because they are suffering from benign neglect and there have not been many successes lately. Deputy Superintendent Nelson reported that the program is handled by the Northeast Regional Office, not the Washington Office. He offered to present a substantial report at the January Commission meeting. Mr. Hanley stated that the Commission is aware of the pitfalls, problems and issues; they would like a briefing on the new criteria and it can be done in a Commission study session.

Mr. Van Campen stated that several years ago, the Superintendent brought forth that there were movements afoot in the National Park Service structure to empower park superintendents and regions to make decisions with regard to leasing with the intention of reducing the approval process to the local park level. Somewhere that process got turned around and empowerments that were given were apparently taken away. Deputy Superintendent Nelson replied that there was empowerment but the parks were given more criteria to meet.

Public Comment

Tom Hoffman

Mr. Hoffman encouraged the Commission to look at the financial disclosure issue before passing any resolutions or sending letters, in respect to Commission members named but not sitting. The Office of Ethics deals with issues like this. Until they are consulted, words like prevent, compulsory and enforced sound like the way prisoners were treated at Guantanamo. He formerly talked with someone in the Office of Ethics because of his concern about Commission members on the Mountain Laurel Center board while the National Park Service was providing traffic control. There was a potential for at least the perception of a conflict of interest there, but there were no disclosures, so he called the Office of Ethics about that. They were working on these issues then, and may have finished them, and now there is this ruling today which may be the reason Ms. Maxaner and Ms. McDowell are not sitting. There were compensated boards like this one that were required to fill full financial statements out and that coverage may have been extended to include another category of Department of the Interior employees who are not compensated but for some reason they feel should be covered. He suggested the Commission

take a look at this in-house and indirectly before writing letters that seem to suggest someone was doing something they should not or did not do something they should have. He found staff members of the Office of Ethics to be very thorough and plausible.

Mr. Hoffman stated that Ms. Nelson gave him a letter from Washington concerning the cell tower ethics issue. At the last meeting, the Superintendent used the term “illegal” to describe either the cell contractors at Yellowstone National Park or park service employees or both as doing something illegal in connection with the offering of free telephones and money into the Yellowstone National Park that came through the contractors into the park service budget. It is not clear in the letter what was illegal and who was doing it. He asked that there be a clarification at an early date so those who are concerned about the cell tower proposals know what the background is. He also suggested that Superintendent Donahue consider barring people who make offers from doing business in this park and that was not addressed in the memorandum. He asked for a clarification on that.

Jan McDowell

Ms. McDowell stated that she was surprised and pleased at her appointment. She went through a lot of health issues last winter and thought that maybe she did not want to do this, but now she is fine and looks forward to working with everyone.

Bill Mineo

Dr. Mineo reported that it is strange being part of the audience, after serving as a charter member of the Commission for so long. He offered to assist where needed and wanted.

Mr. Gross told Dr. Mineo that he is going to miss him. Deputy Superintendent Nelson reported that Dr. Mineo was appointed to the Commission in 1988, and is an original member. Mr. Van Campen stated that over many, many years, Dr. Mineo has meant so much to this Commission and to Mr. Van Campen personally. Dr. Mineo has always been more than willing and capable, and has stood by Mr. Van Campen in the toughest times. He thanked him, adding that he hopes Dr. Mineo will continue to participate.

Gail Wershing

Ms. Wershing, as the President of the Friends of Delaware Water Gap National Recreation Area, welcomed everyone to Delaware Township. The Friends have regrouped and revitalized. They have increased membership from thirty members in April to eighty-five members now. It is an enthusiastic group. The annual general membership meeting is scheduled for December 12 at the Bushkill Meeting Center and everyone is invited to attend. They have formulated short term goals for next year, and will begin looking at long range goals in December.

The Friends’ lecture series was very successful this year with as many as eighty-five to ninety people at one lecture and averaging forty to fifty people. Ms. Wershing thanked park staff for getting publicity out and to Friends members for promoting the Friends.

She welcomed everyone to support the Friends with a membership that suits them.

Janina Wycalek

Ms. Wycalek previously stated that she was against cell towers, feeling they are not in keeping with the National Park Service credo of protecting the scenic beauty of the park. She still feels that way. The speaker at the last lecture reported that towers are very bad for migrating birds and for birds in general, and that cell towers are worse than others for killing migrating birds. Towers over one hundred-eighty feet are the worst, and a red light on top makes them even more dangerous. She asked for a status of the project.

Deputy Superintendent Nelson reported that there were two cell companies that proposed towers in the park, Cingular and Verizon. Park staff met with both companies, and asked them to look at co-locating with each other and to reduce the number of towers requested. They have come back to the park saying they can make do with two or three towers, and are now getting ready to submit formal applications for two towers. That will begin the formal process which includes a full environmental assessment for public comment. Based on that assessment and public comment received, a decision will be made. The project will be active for the next six to eight months.

Superintendent's Report

Deputy Superintendent Nelson and the Management Team gave a PowerPoint presentation (attachment #1) geared at orienting everyone to the individual responsibilities of the park divisions.

Commission Reports

By-Laws Committee, Mr. Van Campen

All Commission members are members of the committee. There have been no inquiries and no recommendations concerning the By-Laws.

Cultural Resources Committee, Chair Kresge

There was no report.

Mr. Gross asked about the frescoes on the ceiling of the Walpack Church that were featured in a *Newark Star Ledger* article. He discussed this with Mr. Peck who said they are going to be covered up again, except possibly for the south end of the church which may be left open. The Chief of Visitor Services and Cultural Resources stated that it is possible that section will be kept open so people can see it.

Inter-Governmental Committee, Mr. Van Campen

There have been a number of overtures made with respect to Congress' involvement with the park, and to National Park Service management in the park with respect to looking at new budgets and financial planning for the next fiscal year. Mr. Van Campen is trying to arrange a meeting to see what support the Commission can provide toward procuring funding.

Natural Recourses Committee, Mr. Gross

Mr. Gross was directed to send letters to the Delaware River Basin Commission and the Pennsylvania Department of Environmental Protection regarding the developments taking place,

such as Mosiers Knob. The response from the Department of Environmental Protection informed us that the plant that development will utilize is using 29,000 gallons per day and is permitted for 75,000 gallons. The development on Mosiers Knob anticipates another 39,000 gallons a day, which is interesting as the developers said the amount would not increase.

The Delaware River Basin Commission reported that the Mosiers Knob wastewater treatment would be grandfathered in. They are talking about secondary sewage treatment on the Brodhead Creek. The park's Water Resources Specialist is looking into that.

Mr. Gross complimented the park on land restoration at Walpack. They talked about it for years, and are finally doing it. Meanwhile, Mr. Gross ran into the president of the Grouse Society who said they are waiting for the park service to get involved in a volunteer program. He had hoped one of them would be here today, but they are not. He will contact them.

Mr. Gross reported two problems. One is standing corn which he referenced in a memorandum (correspondence item #23). New Jersey and Pennsylvania laws do not prohibit hunters from going into standing crops. The Chief of Resource Protection and Visitor Management pointed out that in both states, hunters need the permission of the owner to hunt in standing crops, and that is limited to certain crops. Mr. Gross reported that when Mr. Hawkins was Superintendent, he stated that he would not stop any hunters from going through standing crops; it is the farmer's responsibility to harvest those crops before hunting season. Mr. Gross stated the secretary should be asked to find if that is a written policy. It is a shame to put pheasants out if they are not going to be hunted.

Public Visitation and Tourism Committee, Mr. Van Campen

The Chief of Visitor Services and Cultural Resources presented an excellent report which speaks for itself.

Recruitment Committee, Chair Kresge

The Commission is almost fully staffed with only one vacancy left. Mr. Van Campen reported that, as a former Chair and the Co-Chair of the Committee, he is compelled to state that he is not satisfied with this issue concerning the requirement of the new Secretarial representatives. He apologized to Ms. McDowell, stating that what has happened to her is disgraceful and malicious, and not the intention of the Commission. They were not informed beforehand, and it is interesting that only the two members at large are being subjected to this. He hopes to get it unraveled. It is a matter that the Department of Justice should investigate because it puts all Commission members at risk. There were never any conditions for members to serve on the Advisory Commission. They are not a managing commission, they have no powers. He does not know if the Superintendent was aware of it. Chair Kresge stated that he agrees, but Deputy Superintendent Nelson explained as best he could and it can be discussed at a study session. Mr. Van Campen stated that it is discrimination.

Special Projects Committees

Depue Island Committee, Mr. Price

Everything is quiet, there are no hotels going up on the island.

Pocono Environmental Education Center Committee

There was no report.

Business and Finance Committee, Mr. Van Campen

This topic has been covered.

Walpack Environmental Education center Committee, Mr. Van Campen

Mr. Van Campen asked for the status of the center. Deputy Superintendent Nelson reported that the center is still there, and there has been no interest from the Warren County Community College. The center is still available. Mr. Van Campen stated that he will talk to Deputy Superintendent Nelson about that.

Old Business

Mr. Van Campen pointed out that the authorization for the Commission expires in 2008. He proposed a committee be formed to make recommendations to Congress to extend the Commission if for no other reason than for the new appointees to finish out their terms. Chair Kresge agreed.

New Business

Future meetings were scheduled for:

Thursday, January 19, 2006, at 7:00 p.m. at the Montague Municipal Building, Montague, New Jersey;

Saturday, March, 11, 2006, at 9:00 a.m. at the Bushkill Meeting Center, Bushkill, Pennsylvania. This meeting will be immediately followed by the annual meeting and election of officers;

Thursday, May 4, 2006, at 7:00 p.m. in Warren County, New Jersey, location to be announced.

A Commission study session will be scheduled to discuss the issue of Secretary representatives being required to file financial disclosures before taking seats on the Commission. It is ambiguous and may be a conflict of interest if these members are considered employees of the Department of the Interior while the other members are not. Either every member needs to file a statement, or none of them do. That needs to be cleared up.

Mr. Van Campen stated that it is his understanding from correspondence from the Department of Justice through the National Park Service that he and Chair Kresge have been dismissed from a lawsuit involving the Commission. The Deputy Superintendent confirmed this information.

Mr. Gross made a motion to send a letter to Dr. Mineo expressing the Commission's sincere gratitude for all the many things he has accomplished as a member of this Commission. The motion was seconded and approved, followed by a round of applause.

Mr. Hanley stated that he appreciates the Management Team's presentation even in the absence of the new members. It is worth doing once a year.

Public Comment

Mr. Hoffman

Mr. Hoffman stated that the action that Mr. Van Campen referenced was not dismissed, he and a couple of co-defendants were removed from the action, but the action proceeds, it has not been dismissed.

Mr. Hoffman referenced the Chief of Administration's briefing on park service employment and the use of background checks for screening. Unless there has been some intrusive nature or breach of confidentiality, there is no problem. He encouraged the park to continue to use them. A comment made earlier that it was close to a witch hunt was bizarre.

Mr. Hoffman referenced the discussion concerning a lack of response from the Lehman Township Supervisors and stated that he cannot believe they actually do not want to respond. He asked if anyone has called them to ask for a meeting. Mr. Gross responded that he does not know how involved a Commission member should get. He is pursuing this issue through other angles, such as the Pennsylvania Federation of Sportsmen, but the supervisors have not answered them either. They did respond to the Pike County Conservation District through a terrible letter that said nothing in four pages. Mr. Gross personally talked to the Secretary of the Pennsylvania Department of Conservation of Natural Resources about this and sent them copies of the letter. The only way the supervisors can put a road in through there is for the Department of Conservation and Natural Resources to give the land to them, and he has been informed they will not do that. Mr. Hoffman stated that the supervisors share concerns about the impact on water quality. Superintendent Donahue had stated he would write to them on that and Mr. Hoffman does not know if he did. Mr. Hoffman spoke with Richard Volmer, the Enforcement Officer for Lehman Township, without an appointment four years ago, and he was happy to sit down to discuss his concern. The Commission has not reached the end of the road with trying to establish communication.

Chair Kresge asked the Deputy Superintendent if he thinks they have not answered because they are a municipality hearing from the Federal Government. The Deputy Superintendent replied that he does not know. Mr. Hoffman suggested the Commission continue to try to establish communication. Mr. Hanley stated that Superintendent Donahue represents the National Park Service, Mr. Gross represents the Commission. The Commission sent letters, and has done what it can. If Superintendent Donahue wants to pursue it, it is up to him. As an individual, Mr. Gross can pursue it. Mr. Hoffman stated that Mr. Van Campen represents the Commission with the Walpack Environmental Education Center, Dr. Mineo represented the Commission with the Pocono Environmental Education Center. Mr. Gross can do so with Lehman Township. Pick up the telephone and call them.

Mr. Hoffman suggested that he and Chair Kresge meet to see if they can build on common ground. Chair Kresge agreed.

Adjournment

This meeting of the Delaware Water Gap National Recreation Area Citizen Advisory Commission was adjourned at 12:07 p.m.

Respectfully submitted,

Christine M. Nelson, Secretary

Approved:

E. Gregory Kresge, Chair